



Before the Appellate Board
National Electric Power Regulatory Authority
(NEPRA)
Islamic Republic of Pakistan

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No. NEPRA/Appeal/098/2022/ 519

May 29, 2024

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| 1. Muhammad Riaz Chohan,
R/o. 466-K, Model Town,
Lahore
Cell No. 0321-8489774 | 2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Syed Ghazanfar Hussain Kamran,
Advocate High Court,
Office No. 06, Aftab Tower,
16-Syed Moj Darya Road,
Lahore
Cell No. 0300-6571505 | 4. Sub Divisional Officer (Operation),
LESCO Ltd,
Faisal Town Sub Division,
Lahore |
| 5. POI/Electric Inspector
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore | |

Subject: **Appeal No.098/2022 (LESCO Vs. Muhammad Riaz Chohan) Against the Decision Dated 10.02.2022 of the Provincial Office of Inspection to Government of the Punjab Lahore Region, Lahore**

Please find enclosed herewith the decision of the Appellate Board dated 29.05.2024 (04 pages), regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**


(Ikram Shakeel)
Deputy Director
Appellate Board

Forwarded for information please.

1. Director (IT) --for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal Nos.098/POI-2022

Lahore Electric Supply Company LimitedAppellant

Versus

Muhammad Riaz Chohan, R/o. 466-k, Model Town, LahoreRespondent

APPEAL U/S 38(3) OF REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Mr. Ghazanfar Hussain Kamran Advocate

For the Respondent:

Mr. Muhammad Riaz Chohan

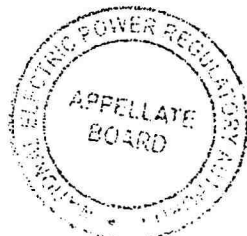
DECISION

1. Through this decision, the appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 10.02.2022 of the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Muhammad Riaz Chohan (hereinafter referred to as the "Respondent") is a domestic consumer of the Appellant bearing Ref No.11-11511-1113800-U with sanctioned load of 5 kW and the applicable Tariff category is A-1(b). As per the billing record, the meter of the Respondent became defective and it was replaced with a new meter on 25.10.2019. Subsequently, the removed meter of the Respondent was checked by the Metering & Testing ("M&T") team of the Appellant on 27.02.2020, wherein, 5,064 units were found uncharged. Subsequently, a detection bill of Rs.96,115/- against 5,064 units was debited to the Respondent due to the difference of readings between the units already charged and the final reading of the impugned meter and added to the bill for September 2021.

Appeal No. 098/POI-2022

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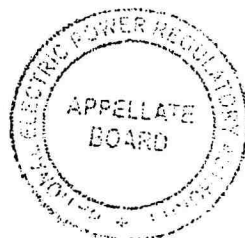
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3. Being aggrieved, the Respondent filed a complaint before the POI and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide the decision dated 10.02.2022, wherein the detection bill of Rs.96,115/- against 5,064 units was cancelled.
4. The Appellant filed instant appeal before the NEPRA against the afore-referred decision of the POI, which was registered as Appeal No.098/POI-2022. In its appeal, the Appellant objected to the maintainability of the impugned decision, *inter alia*, on the main grounds that the impugned decision is against the facts and law of the case; that the POI did not apply his independent and judicious mind while passing the impugned decision; that the impugned decision is against the settled principle law; that the POI passed the impugned decision without perusing the record; and declared the meter running correctly; and that the impugned decision is liable to be set aside.
5. **Proceedings by the Appellate Board**
Upon filing of the instant appeal, a notice dated 07.09.2020 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not filed.
6. **Hearing**
 - 6.1 Hearing of the subject appeals was conducted at NEPRA Regional Office Lahore on 01.03.2024, which was attended by both parties. Learned counsel for the Appellant contended that the billing meter of the Respondent was found defective, therefore it was replaced with a new meter and sent for data retrieval. Learned counsel for the Appellant further contended that 5,064 units were found uncharged in the impugned meter, therefore a detection bill amounting to Rs.96,115/- against 5,064 units was debited to the Respondent due to the difference of units already charged and the final retrieved reading of the impugned meter to recover the revenue loss sustained by the Appellant. As per learned counsel for the Appellant, the above detection bill was cancelled by the POI without perusing the documentary evidence. Learned counsel for the Appellant finally prayed that the impugned decision is liable to be set aside.
 - 6.2 On the contrary, the Respondent appearing in person rebutted the version of the Appellant and averred that the premises was lying vacant as the family of the Respondent was out of the country during the disputed period. He argued that the entire proceedings including the unilateral checking are without lawful authority as neither the impugned meter was checked





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in his presence nor it was produced before the POI for verification of alleged pending units.

He finally prayed for upholding the impugned decision.

7. Arguments heard and the record perused. Following are our observations:

7.1 Detection bill of Rs.96,115/- for 5,064 units:

In the instant case, the Appellant claimed that the impugned meter was replaced with a new meter on 25.10.2019, and during subsequent M&T checking dated 27.02.2020, the impugned meter of the Respondent was found defective and 5,064 units were found pending due to the difference of already charged units and the final reading retrieved. Thereafter, the Appellant debited a detection bill of Rs.96,115/- against 5,064 units to the Respondent in September 2021, which was challenged before the POI.

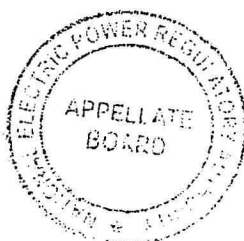
7.2 It is observed that the Appellant charged the above detection bill based on the data retrieval report but the said checking was neither carried out in the presence of the Respondent nor said impugned meter was checked by the POI being competent forum. It is further observed that the data was downloaded after the lapse of four months and the impugned detection bill was charged after the lapse of more than twenty-two months.

7.3 To further verify the contention of the Appellant regarding the above detection bill, consumption data is reproduced below:

Month	Units	Status of meter
May 2019	0	Same read
June 2019	158	Active
July 2019	482	Active
August 2019	284	Active
September 2019	1565	Defective
October 2019	-3924	Replaced

7.4 It is revealed that the impugned meter was functioning correctly till August 2019 and it became defective in September 2019, hence there is no justification to debit any detection bill on account of alleged defectiveness and pending units. Therefore, we are inclined to agree with the determination of the POI for the cancellation of the above detection bill.

7.5 As per the billing data of the Respondent, the impugned meter was found active till August 2019 and it became defective in September 2019, therefore, the Respondent is liable to be charged the revised bill w.e.f September 2019 and onwards till the replacement of the impugned meter i.e.25.10.2019 on DEF-EST code as per Clause 4.4(e) of the CSM-2010. The impugned decision is liable to be modified to this extent.



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8. In view of what has been stated above, it is concluded that:

8.1 the detection bill of Rs.96,115/- against 5,064 units charged to the Respondent is unjustified and the same is cancelled.

8.2 the Respondent may be charged the revised bills w.e.f September 2019 and onwards till the date of replacement of the meter i.e. 25.10.2019 on DEF-EST code as per Clause 4.4(e) of the CSM-2010.

8.3 The billing account of the Respondent be overhauled, accordingly.

9. Impugned decision is modified in the above terms.

Abid Hussain
Member/Advisor (CAD)

Naweed Illahi Sheikh
Convener/DG (CAD)

Muhammad Irfan-ul-Haq
Member/ALA (Lic.)

Dated: 29-05-2024

